

Cass County Planning Commission Meeting
Thursday, October 27, 2016 at 7:00 a.m.
Cass County Highway Department Vector Conference Room
1201 West Main Avenue in West Fargo
Agenda

Business Items:

1. Call to Order
2. Roll Call
3. Determination of a Quorum
4. Approve Meeting Minutes of September 6, 2016
5. New Business

A. Public Hearing Items:

TJ Acres Subdivision – A Minor subdivision in Section 20 of Davenport Township

Lone Oak Farm II Subdivision – A Minor subdivision in Section 11 of Normanna Township

6. Old Business

A. Recorded Plats – Kellerman First Subdivision and Chris Hansen Subdivision

7. Adjournment

**CASS COUNTY PLANNING COMMISSION
SEPTEMBER 6, 2016**

1. MEETING TO ORDER

A conference call meeting of the Cass County Planning Commission was called to order on September 6, 2016, at 7:00 AM with members as follows: David Gust, Ken Lougheed, Kevin Fisher, Keith Monson, and Rick Steen. Todd Ellig, Tim Mahoney, and Mark Wentz were not available for the conference call. County Planner Hali Durand conducted the phone call.

2. BEVERLY'S FIRST SUBDIVISION (Minor Subdivision), Plat approved

The plat of Beverly's First Subdivision is located in part of the Southwest Quarter of Section 26 in Watson Township to plat two lots. One lot is currently developed and the second lot will be for new residential development. The said tracts contain 7.397 acres of land, more or less. The subdivision will use private gravel roads, rural water, on-site septic sewer systems, and ditches for storm sewer; ownership and maintenance of the subdivision will be the owner's responsibility. The existing land is and will remain agricultural.

MOTION, passed

Mr. Gust moved and Mr. Steen seconded to recommend approval to the Cass County Commission of the Final Plat for Beverly's First Subdivision (Minor Subdivision) as presented. On roll call vote, the motion carried unanimously.

3. LOCKHART SUBDIVISION (Minor Subdivision), Plat approved

The plat of Lockhart Subdivision is located in part of the Southeast Quarter of Section 16 in Noble Township to plat two lots. One lot is currently developed and the second lot will be created due to financing requirements. The said tracts contain 13.57 acres of land, more or less. The subdivision will use private gravel roads, rural water, on-site septic sewer systems, and ditches for storm sewer; ownership and maintenance of the subdivision will be the owner's responsibility. The existing land is and will remain agricultural.

MOTION, passed

Mr. Gust moved and Mr. Monson seconded to recommend approval to the Cass County Commission of the Final Plat for Lockhart Subdivision (Minor Subdivision) as presented. On roll call vote, the motion carried unanimously.

4. ADJOURNMENT

MOTION, passed

On motion by Mr. Gust, seconded by Mr. Monson, and all voting in favor, the conference call meeting was adjourned at 7:16 AM.

Final Plat Report

Title: TJ Acres Subdivision
Owner(s): Gerald and Shirlee Lahren
Applicant: Jennifer Fallon
Type of Request: Minor Subdivision (1 lot)
Status: Final Hearing at the October 27, 2016 Planning Commission Meeting

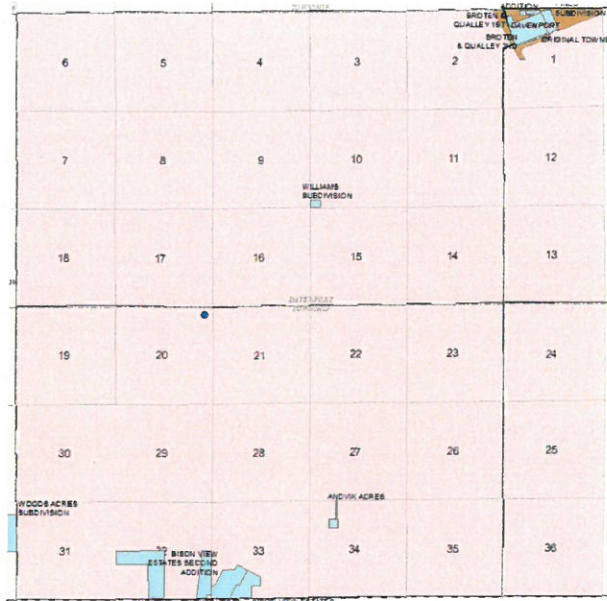
Proposal:

An application for a Minor Subdivision (plat) has been received by the Cass County Planning Office for approval of a tract of land located in part of the Northeast Quarter of Section 20 in Davenport Township to plat 1 lot for residential development. The said tract contains 4.92 acres of land, more or less. The subdivision (plat) will use public gravel roads, public rural water, on-site septic sewer systems, and ditches for storm sewer conveyance.

Existing and Proposed Land Use:

The existing land is and will remain A-1, Agricultural.

Vicinity Map:



Staff Analysis:

According to FEMA’s National Flood Hazard Layer, the proposed plat is currently within Zone X as per Panel Number 38077C0050D effective 12/18/09. As per the preliminary Western Cass Flood Study, this area will remain in Zone X. No wetlands or waterways are present as well. The proposed subdivision is located south of County Road 36 and east of 159th Ave SE and is bound by agricultural land. The proposed use is consistent with County and Township Ordinances.

Agency Comments:

| | |
|-------------------------|---|
| Water Resource District | The Maple River Water Resource District has no comment to submit. |
| Century Link | The plat is acceptable. |
| County Sanitarian | The search of our records does not show any soil tests done for this property or any septic permits having been issued for this property. A soil test would need to be completed. |
| NDDOT | NDDOT has no concerns with the subdivision application. |

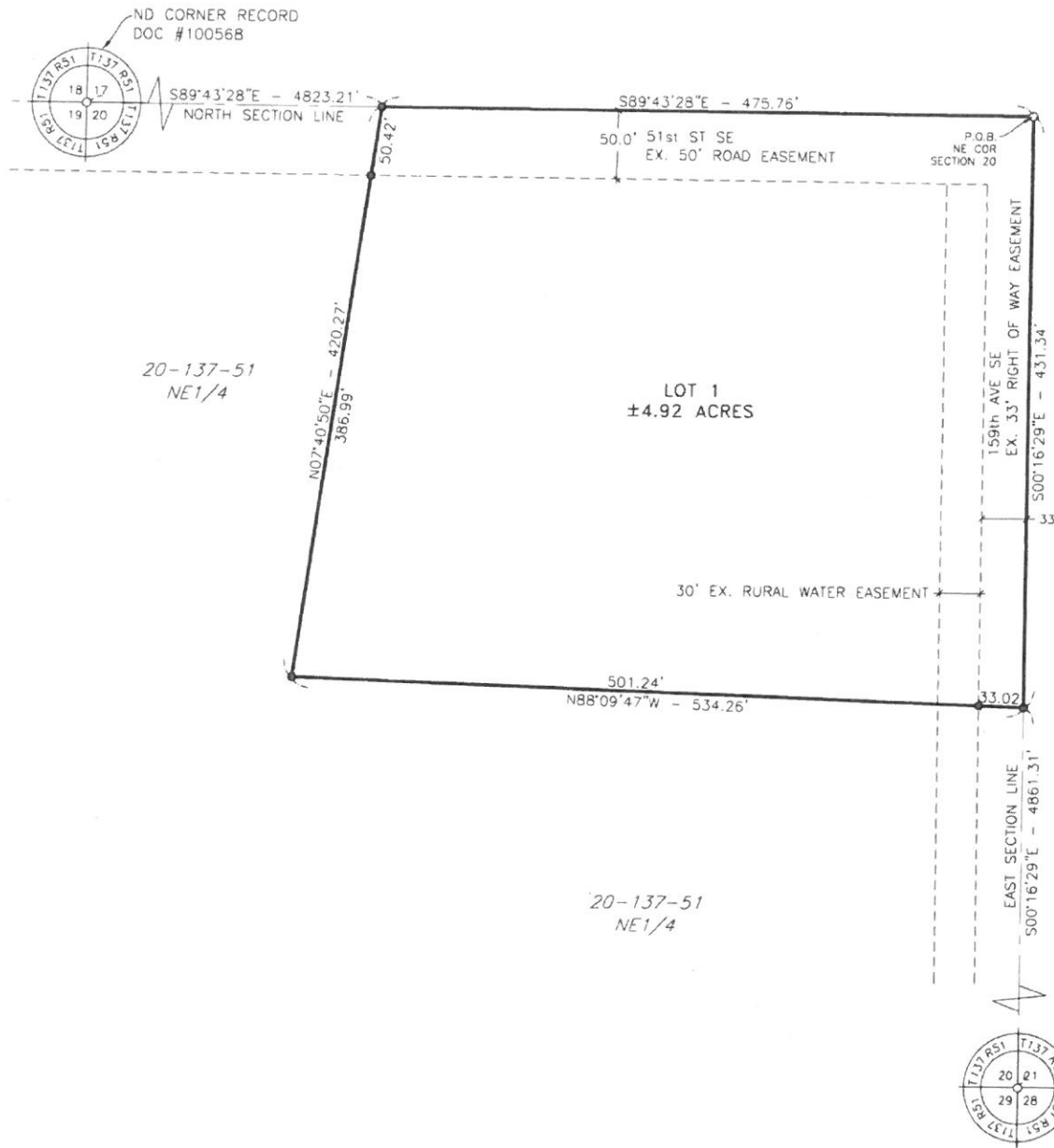
Conditions for Approval:

Along with the Final Plat, requirements would also include: a Deed Restriction of land up to forty acres; an approved access permit along County Road 36; and a copy of the soil test for an on-site septic system.

Recommendation:

To approve the Final Plat as presented, with the conditions for approval, as it meets the goals and objectives of the Cass County Comprehensive Plan, the Cass County Highway Access Plan, the Flood Damage Prevention Ordinance, the Cass County Subdivision Ordinance, and applicable Township Ordinances.

TJ ACRES SUBDIVISION
 (A MINOR SUBDIVISION)
 PART OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 137 NORTH, RANGE 51 WEST OF THE
 FIFTH PRINCIPAL MERIDIAN,
 COUNTY OF CASS, STATE OF NORTH DAKOTA



OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS, THAT CERALD LAHREN AND SHIRLEE LAHREN, HUSBAND AND WIFE, OF KINDRED, NORTH DAKOTA, ARE THE OWNERS OF THAT PART OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 137 NORTH, RANGE 51 WEST OF THE 5TH PRINCIPAL MERIDIAN TO THE COUNTY OF CASS, STATE OF NORTH DAKOTA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 20; THENCE S00°16'29\"/>

SAID OWNERS HAVE CAUSED THE ABOVE DESCRIBED TRACT OF LAND SHOWN ON THIS PLAT TO BE SURVEYED AND PLATTED AS TJ ACRES SUBDIVISION TO THE COUNTY OF CASS, STATE OF NORTH DAKOTA. SAID TJ ACRES SUBDIVISION, CONSISTS OF ONE LOT AND CONTAINS 4.92 ACRES, MORE OR LESS.

BY: _____
 GERALD LAHREN

BY: _____
 SHIRLEE LAHREN

STATE OF _____)
 COUNTY OF _____)SS

BE IT KNOWN ON THIS _____ DAY OF _____, 2016, BEFORE ME PERSONALLY APPEARED GERALD AND SHIRLEE LAHREN, HUSBAND AND WIFE, TO ME KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE EXECUTION OF THE SAME AS A FREE ACT AND DEED.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC _____

SURVEYORS CERTIFICATE

I, COLE A. NESET HEREBY CERTIFY THAT THIS SURVEY, PLAN AND/OR REPORT WAS PREPARED UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA.

COLE A. NESET
 REGISTERED LAND SURVEYOR No. LS-7513
 STATE OF NORTH DAKOTA

DATE _____

STATE OF _____)
 COUNTY OF _____)SS

BE IT KNOWN ON THIS _____ DAY OF _____, 2016, BEFORE ME PERSONALLY APPEARED COLE A. NESET, NORTH DAKOTA REGISTERED LAND SURVEYOR, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE EXECUTION OF THE SAME AS A FREE ACT AND DEED.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC _____

CASS COUNTY ENGINEER

REVIEWED BY THE CASS COUNTY ENGINEER THIS _____ DAY OF _____, 2016.

 JASON BENSON, CASS COUNTY ENGINEER

CASS COUNTY PLANNING COMMISSION

REVIEWED BY THE CASS COUNTY PLANNING COMMISSION THIS _____ DAY OF _____, 2016.

 KEN LOUGHEED, CHAIRMAN

ATTEST: _____
 SECRETARY

DAVENPORT TOWNSHIP

REVIEWED BY DAVENPORT TOWNSHIP, CASS COUNTY, NORTH DAKOTA, THIS _____ DAY OF _____, 2016.

 VERNON LIEBELT, CHAIRMAN

ATTEST: _____
 JON ERICKSON, CLERK

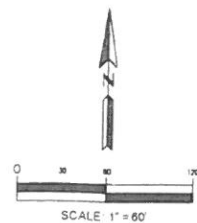
CASS COUNTY BOARD OF COMMISSIONER'S APPROVAL

REVIEWED BY CASS COUNTY, NORTH DAKOTA THIS _____ DAY OF _____, 2016.

 MARY SCHERLING, CHAIRWOMAN

ATTEST: _____
 MICHAEL MONTPLAISIR, CASS COUNTY AUDITOR

SHEET 1 OF 1
 FOR RECORDING PURPOSES



- LEGEND**
- PROPERTY PIN FOUND
 - PROPERTY PIN PLACED - RLS No.7513
 - P.O.B. POINT OF BEGINNING
 - PARCEL BOUNDARY LINE
 - - - EXISTING PROPERTY LINE
 - - - - - EASEMENT LINE

Final Plat Report

Title: Lone Oak Farm II Subdivision
Owner(s): James and Heidi Hoy
Applicant: James and Heidi Hoy
Type of Request: Minor Subdivision (1 lot)
Status: Final Hearing at the October 27, 2016 Planning Commission Meeting

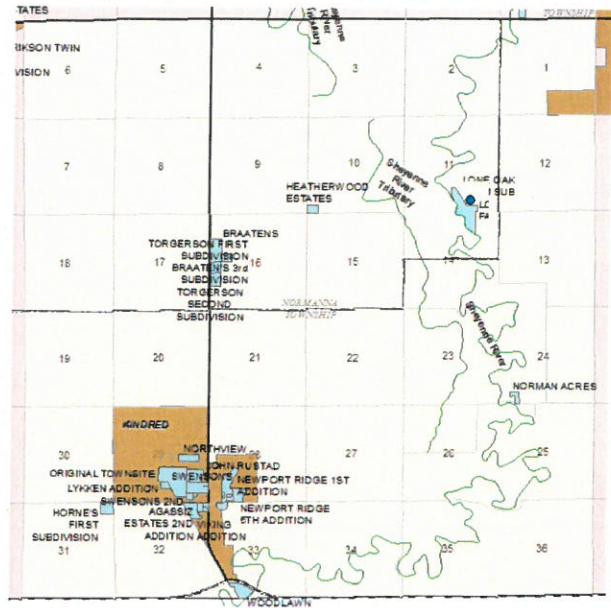
Proposal:

An application for a Minor Subdivision (plat) has been received by the Cass County Planning Office for approval of a tract of land located in part of the South Half of the Southeast Quarter of Section 11 in Normanna Township to plat 1 lot for residential development. The said tract contains 4.80 acres of land, more or less. The subdivision (plat) will use private gravel roads, public rural water, on-site septic sewer systems, and ditches for storm sewer conveyance.

Existing and Proposed Land Use:

The existing land is and will remain A-1, Agricultural.

Vicinity Map:



Staff Analysis:

According to FEMA’s National Flood Hazard Layer, the proposed plat is currently within Zone X as per Panel Number 38077C0100D effective 12/18/09. As per the preliminary Western Cass Flood Study, this area will remain in Zone X. Wetlands are designated along the course of the Sheyenne River. The proposed subdivision is located north of 50th St SE and west of County Road 36 and is bound by agricultural land. The proposed use is consistent with County and Township Ordinances.

Agency Comments:

| | |
|-------------------------|--|
| Water Resource District | The Southeast Cass Water Resource District has no comment to submit. |
| Century Link | This application is acceptable. |
| County Sanitarian | A soil test has already been done for Lot 1, Block 1 of Lone Oak Farm II Subdivision. The soil report allows for the installation of an on-site septic sewage treatment system in this soil. The report has been submitted to the Planning Office. |
| NDDOT | NDDOT has no concerns with this subdivision application. |

Conditions for Approval:

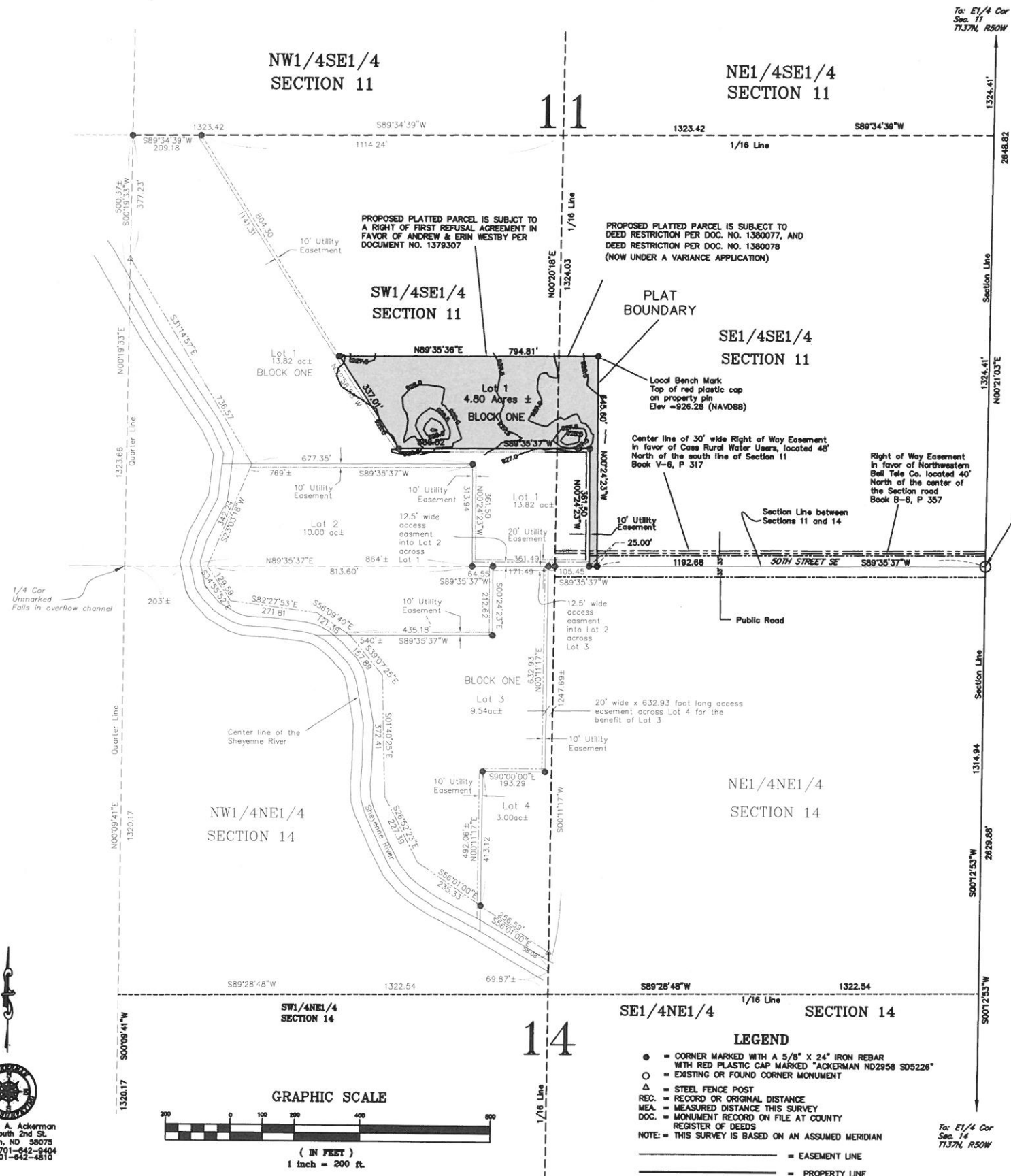
Along with the Final Plat, requirements would also include: a Declaration of Expiration of Deed Restriction by the Cass County Engineer and a Deed Restriction of Lot 1, Block 1 of Lone Oak Farm Subdivision.

Recommendation:

To approve the Final Plat as presented, with the conditions for approval, as it meets the goals and objectives of the Cass County Comprehensive Plan, the Cass County Highway Access Plan, the Flood Damage Prevention Ordinance, the Cass County Subdivision Ordinance, and applicable Township Ordinances.

LONE OAK FARM II SUBDIVISION

A part of the South Half of the Southeast Quarter of Section 11,
Township 137 North, Range 50 West of the Fifth Principal Meridian,
Normanna Township, Cass County, North Dakota



OWNERS' CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS, that Martin G. Jr. Kruse and Karen Kruse, whose address is 1709 25th Ave S., Apt 256, Fargo, North Dakota, 58103, are the owners of a tract of land located in the South Half of the Southeast Quarter (S1/2SE1/4) of Section 11, Township 137 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, and more particularly described as follows:

Commencing at the iron monument marking the southeast corner of said Section 11, (Land Survey Monument Record No. 1933); thence on an assumed bearing of South 89°35'37" West, on and along the south line of said Section 11, a distance of 1192.68 feet to the POINT OF BEGINNING; thence continuing South 89°35'37" West, along said section line, a distance of 25.00 feet to the southeast corner of Lot 1, Block One, Lone Oak Farm Subdivision; thence North 00°24'23" West, perpendicular from the last described line, a distance of 361.50 feet to the northeast corner of said Lot 3; thence South 89°35'37" West, parallel with the south line of said Section 11, a distance of 588.52 feet to an angle point on the east line of Lot 1, Block One Lone Oak Farm Subdivision; thence North 32°56'58" West, along the east line of said Lot 1, a distance of 337.01 feet; thence North 89°35'36" East a distance of 749.81 feet; thence South 00°24'23" East a distance of 645.80 feet to the point of beginning, containing 4.80 acres, more or less, and subject to the statutory right of way for public road purposes 33 feet wide along section lines pursuant to NDCC 24-07-03, and also subject to other easements, reservations, restrictions, and rights of way of record.

Said owners have caused the above described tract of land to be surveyed and platted as LONE OAK FARM II SUBDIVISION in the County of Cass and the State of North Dakota,

MARTIN G. JR. KRUSE AND KAREN KRUSE
OWNERS OF LOT 1, BLOCK ONE, LONE OAK FARM II SUBDIVISION

STATE OF NORTH DAKOTA }
COUNTY OF CASS } ss

On this ____ day of _____, 2016, before me, a notary public, with and for said county, personally appeared Martin G. Jr. Kruse and Karen Kruse, husband and wife, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as a free act and deed.

Notary Public
My commission expires _____, 20____

COUNTY ENGINEER REVIEW

Approved by Cass County Engineer this ____ day of _____, 2016.

Jason Benson, Cass County Engineer

NORMANNA TOWNSHIP REVIEW

Reviewed by Normanna Township, Cass County, North Dakota this ____ day of _____, 2016.

Chairman _____

Attest: _____
Clerk

CASS COUNTY COMMISSION APPROVAL

Approved by the Board of County Commissioners and ordered filed this ____ day of _____, 2016.

Chairman _____

Attest: _____
Michael Montplaisir, Cass County Auditor

CASS COUNTY PLANNING COMMISSION REVIEW

Reviewed by the Cass County Planning Commission this ____ day of _____, 2016.

Ken Lougheed, Chair

Attest: _____
Secretary

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGMENT

I, Steven A. Ackerman, Registered Land Surveyor, under the laws of the State of North Dakota, do hereby certify that this plat is a true and correct representation of the survey of said subdivision; that the distances shown on said plat are correct; that the monuments for the guidance of future surveys have been located or placed in the ground as shown.

Dated this ____ day of _____, 2016.

Steven A. Ackerman, Registered Land Surveyor

STATE OF NORTH DAKOTA }
COUNTY OF RICHLAND } ss

On this ____ day of _____, 2016, before me, a notary public, with and for said county, personally appeared Steven A. Ackerman, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same.

Notary Public
My commission expires _____, 20____

FLOOD STATEMENT

100 YEAR BASE FLOOD ELEVATION = 925.6 (NGVD29)
SOURCE: FLOOD INSURANCE RATE MAP DATED 9-30-1987
PANEL NO. 380264 00108, PANEL 10 OF 10
BENCH MARK USED: 18"PK WITH ELEVATION 948.3 (NGVD29)
ACCORDING TO THE FLOOD INSURANCE RATE MAP THE PROPOSED PLATTED AREA FALLS IN ZONE AE. BY SURVEY THE AREA FALLS IN ZONE X.

IT IS FURTHER NOTED THAT THE PRELIMINARY NEW VERSION OF THE FIRM, DATED 1-29-2016, PANEL NO. 955, MAP NO. 38017G0955H INDICATES THE PROPOSED PLATTED AREA IS OUTSIDE THE BASE FLOOD AREA.

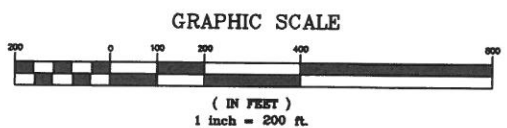
Existing easements of record within the area being platted:

1. Right of Way Easement to Northwestern Bell Telephone Co. in Book B-6 of Misc., page 357
2. Right of Way Easement to Cass Rural Water Users, Inc. in Book V-6 of Misc., page 317

OWNER/DEVELOPER: MARTIN G. JR. KRUSE AND KAREN KRUSE, HUSBAND AND WIFE, 1709 25TH AVE S. APT 256, FARGO, ND 58103

THERE ARE NO EASEMENTS BEING CREATED OR DEDICATED AS A RESULT OF THIS PLATTING.

- ### LEGEND
- = CORNER MARKED WITH A 5/8" X 24" IRON REBAR WITH RED PLASTIC CAP MARKED "ACKERMAN ND2958 S05226"
 - = EXISTING OR FOUND CORNER MONUMENT
 - △ = STEEL FENCE POST
 - REC. = RECORD OR ORIGINAL DISTANCE
 - MEA. = MEASURED DISTANCE THIS SURVEY
 - DOC. = MONUMENT RECORD ON FILE AT COUNTY REGISTER OF DEEDS
 - NOTE: - THIS SURVEY IS BASED ON AN ASSUMED MERIDIAN
- = EASEMENT LINE
— = PROPERTY LINE



Steven A. Ackerman
107 South 2nd St.
Wahpeton, ND 58075
Phone: 701-642-9404
Fax: 701-642-4810

**DECLARATION OF EXPIRATION OF DEED RESTRICTION BY
CASS COUNTY ENGINEER**

The Cass County Engineer hereby declares the **DEED RESTRICTION** executed on the 10th day of September 2012, recorded as document number 1380077, pursuant to Section 309 of the Cass County Subdivision Ordinance, is expired because:

- o The deed restricted property is completely within the extraterritorial (ET) boundaries of an incorporated city of Cass County.

County Engineer Signature

Date

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 2016, before me, a notary public within and for said county and state, personally appeared Jason Benson, County Engineer, known to be the person(s) described in and who executed the foregoing instrument and acknowledged that they executed same as their free act and deed.

Notary Public

**DECLARATION OF EXPIRATION OF DEED RESTRICTION BY
CASS COUNTY ENGINEER**

The Cass County Engineer hereby declares the **DEED RESTRICTION** executed on the 10th day of September 2012, recorded as document number 1380078, pursuant to Section 309 of the Cass County Subdivision Ordinance, is expired because:

- o The deed restricted property is completely within the extraterritorial (ET) boundaries of an incorporated city of Cass County.

County Engineer Signature

Date

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 2016, before me, a notary public within and for said county and state, personally appeared Jason Benson, County Engineer, known to be the person(s) described in and who executed the foregoing instrument and acknowledged that they executed same as their free act and deed.

Notary Public